

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

EVERETTE G. COOKSEY,)
Petitioner,)
v.) Case No. 3:14-cv-01105
WARDEN BLAIR LEIBACH,) Judge Campbell
Respondent.)

ORDER

Presently pending is respondent Blair Leibach's motion to dismiss petitioner Everette Cooksey's *pro se* petition under 28 U.S.C. § 2254 for the writ of habeas corpus. The respondent asserts that dismissal is warranted because (1) the petitioner has received the sentencing credit that he seeks, so his petition is moot; and (2) the petition fails to state a claim for relief that is cognizable under 28 U.S.C. § 2254. (ECF No. 22 (quoting 28 U.S.C. § 2254(a)).) The petitioner, at the Court's direction, filed a response in opposition to the motion to dismiss.

For the reasons set forth in the accompanying memorandum opinion, the Court finds that the respondent has not established that he is entitled to dismissal of the petition on the grounds asserted. The motion to dismiss (ECF No. 22) is therefore **DENIED**.

The respondent is **DIRECTED** to file an answer or other motion addressing the merits of the petition and his pending motion for emergency injunctive relief within **30 days** of the date this order is docketed.

It is so **ORDERED**.

Todd Campbell

Todd Campbell
United States District Judge